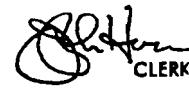


FILED

JUL 12 2012

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA


CLERK

SOUTHERN DIVISION

DONALD E. MOELLER,

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CIV. 04-4200

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Plaintiff,

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-vs-

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DOUGLAS WEBER, Warden,
South Dakota State Penitentiary,
DENNIS KAEMINGK, Secretary of
the South Dakota Department of
Corrections in his official capacity,
and DOES 1-20, unknown employees or
agents of the South Dakota Department
of Corrections,

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Department of Corrections disclosed the source of its current sodium thiopental stock after the manufacturer disclosed itself in the Wall Street Journal.

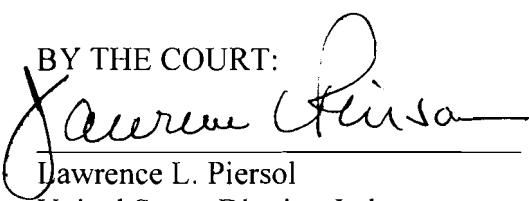
As the Defendants now contend that Moeller will be executed using the one-drug pentobarbital protocol, the Court will focus on the discovery issues concerning pentobarbital. Moeller seeks information regarding the source of the pentobarbital, how and when it was acquired, its location and storage, and the manufacturer's instructions for the drug. In addition to resisting discovery on the ground of relevancy, Defendants have contended that revealing the sources and suppliers of lethal injection drugs subjects them to threats and harassment by death penalty opponents. Defendants have further contended that revealing the storage and location of the drug may create security problems within the penitentiary.

The requested discovery appears reasonably calculated to lead to the discovery of admissible evidence. *See* Fed. R. Civ. P. 26(b)(1). However, the Defendants have presented valid reasons to restrict the requested discovery. In moving for a protective order, the Defendants have suggested making *in camera* disclosures to the Court. The Court believes that an *in camera* inspection of the requested discovery materials concerning pentobarbital would be useful and would allow the Court to determine whether some information may be redacted and whether other information may be provided to counsel for Moeller under conditions that will ensure that the pentobarbital sources and suppliers not be harassed and that the security of the penitentiary not be compromised. Accordingly,

IT IS HEREBY ORDERED that within one week of the date of this Order, counsel for the Defendants provide to the Court the manufacturer's instruction for the pentobarbital it intends to use in Moeller's execution as well as the other information concerning the pentobarbital that Moeller has sought in discovery.

Dated this 12th day of July, 2011.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS CLERK

BY:


Matthew T. Piersol
DEPUTY